

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL FRANKLIN,  
Plaintiff

PLACER COUNTY, et al.,

Case No. 2:24-cv-2714-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. No. 5)

Plaintiff Michael Franklin is a former county inmate proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2024, the court ordered Plaintiff to either file a motion to proceed *in forma pauperis* or pay the required filing fee in order to proceed with this action. (Doc. No. 3.) The court provided Plaintiff with thirty days to comply with that order.<sup>1</sup> (*Id.* at 2.) Plaintiff has not paid the required filing fee to proceed with this action nor filed an application to proceed *in forma pauperis*.

<sup>1</sup> The service copy of the October 10, 2024 order, which was mailed to Plaintiff at his address of record, was returned to the court as “undeliverable, not in custody.” Plaintiff filed a notice of change of address on October 25, 2024. (Doc. No. 4.) The October 10, 2024 order was mailed to Plaintiff at his new address, but was again returned to the court as “undeliverable, not in custody.” Plaintiff was thus required to file a notice of his change of address with the court no later than January 6, 2025. To date, Plaintiff has not filed a notice of his change of address or otherwise communicated with the court.

1 *forma pauperis*, and the deadline in which to do so has passed.

2 Accordingly, on December 19, 2024, the assigned magistrate judge issued findings and  
3 recommendations recommending that this action be dismissed, without prejudice, due to Plaintiff's  
4 failure to comply with the court's order and failure to pay the filing fee. (Doc. No. 5.) The findings  
5 and recommendations were served upon Plaintiff and contained notice that any objections thereto  
6 were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, Plaintiff has not filed  
7 any objections and the time in which to do so has passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
10 pending findings and recommendations are supported by the record and proper analysis.

11 Accordingly:

12 1. The findings and recommendations issued on December 19, 2024 (Doc. No. 5) are  
13 adopted in full;

14 2. This action is dismissed, without prejudice, due to Plaintiff's failure to pay the  
15 required filing fee and failure to comply with a court order; and

16 3. The Clerk of the Court is directed to close this case.

17  
18  
19 IT IS SO ORDERED.

20 Dated: January 13, 2025



21 Dena Coggins  
22 United States District Judge